

United States Bankruptcy Court
Northern District of Texas
1205 Texas Avenue, Room 306
Lubbock, Texas 79401

Chambers of
Robert L. Jones
United States Bankruptcy Judge

Telephone
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September 12, 2013

Monte J. White
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Stephanie E. Kaiser
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Re: Richard and Keri Thornburg, Case No. 11-10405-rlj-13

Counsel:

I have reached a decision on this case. I held off on deciding the dispute as I had at least a dozen other cases in which objections were lodged to claims made by the Rule 3002.1 notice procedure. I anticipated writing an opinion that would perhaps provide some guidance to the bar for future reference. The other cases have all now resolved by agreements, however. The agreements reflected practical, sensible solutions and avoided the litany of claims and objections triggered by the 3002.1 notice procedure. Such is not the case here.

I have determined all fees, save the \$2,447.70 approved by the Court's prior agreed order, are patently unreasonable and not chargeable to the debtors. The factual basis for this decision is extensive. Briefly, the debtors' plan as originally filed treated Lone Star precisely as required by section 1322(b)(2) of the Bankruptcy Code, which provision is the controlling provision. Section 506 does not address the issue here. There were no allegations made or evidence presented that the debtors were not current at the time the case was filed or had missed any payments after the case was filed.

If either party so requests, the Court will issue formal findings and conclusions. If not, the Court will issue its order denying the requested fees. I would ask that counsel advise the Court no later than September 19, 2013, as to whether they request the Court's issuance of further findings and conclusions.

The Clerk of the Court is directed to file a copy of this letter in the Court file.

Sincerely,



Robert L. Jones
United States Bankruptcy Judge

cc: Walter O'Cheskey, Chapter 13 Trustee